



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

WMP  
F. #2013R01251

*271 Cadman Plaza East  
Brooklyn, New York 11201*

September 4, 2015

**By ECF**

The Honorable Brian M. Cogan  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Howard Leventhal  
Criminal Docket No. 13-695 (BMC)

Dear Judge Cogan:

The government writes in opposition to the defendant's letter, dated September 4, 2015, requesting that the hearing scheduled for September 10, 2015 be adjourned to either September 16 or 17, 2015. As noted in a footnote in the defendant's latest letter, defense counsel was notified of the undersigned's unavailability on September 16 and 17, 2015, which clearly had no effect on defense counsel's request to the Court for those specific dates despite the courtesy he received from the government for his numerous, and almost standard, prior adjournment requests.<sup>1</sup> Regardless, the government respectfully submits that no further adjournment should be granted because there are number of violations here that the Court can and should use to revoke the defendant's bond.

First, the government can confirm that the medical information in the unsigned letter submitted by the defendant as an attachment to the defendant's August 25, 2015 letter is the same medical information that was included in a signed letter submitted by Dr. Colodny's office to the Probation Department by mail and by facsimile on March 12, 2014. The information the government submitted in its September 3, 2015 letter referring to the Colodny Letter as a "sham and complete fabrication" was based on information provided directly to the FBI by Dr. Colodny over the telephone and by email. Despite providing the details of how the government learned this information in the letter, defense counsel outrageously suggests that "the Court should consider imposing sanction on the government in the absence of an appropriate explanation as to how the FBI conducted the investigation described in the

---

<sup>1</sup> The undersigned is traveling on work on September 16 and is scheduled to appear for an oral argument before the Second Circuit on September 17.

Hon. Brian M. Cogan  
September 4, 2015  
Page 2

government[']s letter.” Needless to say, the government is investigating this issue, including the issue of how the defendant came into possession of what appears to be a draft version of the Colodny Letter, which he then submitted to the Court.

Second, and more importantly, in light of the above developments, there is no need to adjourn the hearing. The government’s focus at the hearing will be to provide evidence of the defendant’s fraudulent schemes involving Go2Nurse (“G2N”) and MyWings Foundation, Inc. (“MyWings”). Putting aside the travel restriction violations, which are undisputable, the evidence of this post-guilty plea fraud is overwhelming and a clear violation of the defendant’s bond because he committed additional federal crimes while on bond. If defrauding other victims while awaiting sentencing using almost identical techniques is not a sufficient basis for revoking a defendant’s bond, then it is hard to imagine circumstances when a defendant’s bond will ever be revoked for committing a white-collar crime.

Finally, while it was previously known to the government, Bankruptcy Judge A. Benjamin Goldgar’s opinions make evident the manner in which the defendant has abused the court system, on numerous occasions, to further his criminal goals and intimidate his victims. The government respectfully requests that this Court put an end to the defendant’s fraudulent ways and prevent any further delays to this case, which permits the defendant to freely commit additional fraud on the public.<sup>2</sup>

Respectfully submitted,

KELLY T. CURRIE  
Acting United States Attorney  
Eastern District of New York

By:                     /s/                      
Winston M. Paes  
Assistant U.S. Attorney  
(718) 254-6023

Cc: Clerk of the Court (BMC) (By ECF)  
Steve Zissou, Esq. (By ECF and Email)

---

<sup>2</sup> Given that defense counsel has a 3-4 week trial starting on September 21, 2015, there is even more reason that no adjournment should be granted and the Court should consider the evidence of the G2N and My Wings fraud in making its determination.